

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

FAO No.450 of 2014

Date of Decision: 03.08.2017

M/s Ravi Dass Transport Company and another
.....Appellants.

Versus

United India Insurance Company Ltd. and others
... Respondents

CORAM:-HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Neeraj Khanna, Advocate
for the appellants.

Mr. Paul S. Saini, Advocate
for respondent No.1/Insurance Company.

RAJ MOHAN SINGH, J.(ORAL)

This appeal has been preferred by the owner and driver of the offending vehicle i.e. PB-11-AM-0577. Vide the award dated 13.09.2013, passed by Motor Accident Claims Tribunal, Rupnagar, Insurance Company/respondent No.1 was held liable to pay the amount of compensation to the claimants at the first instance with a right to recover the same from the insured i.e. appellant No.1. The issue of validity of driving licence was sought to be projected before the Tribunal by way of additional evidence and the same was not entertained. In the present appeal, the said order has also been assailed.

While issuing notice of motion on 19.02.2014, following order was passed:-

“Learned counsel has argued that recovery rights have been given on a wrong premise. Seven days after the insurance company led the evidence regarding the licence being invalid the appellant obtained verification report from which it became clear that though the licence was validly issued, yet the number of the original licence had been wrongly put. Thereafter the claimant moved an application for additional evidence but the same was dismissed.

Notice of motion.

Since the dispute is between the owner and the insurer, notice is issued only to respondent No.1 for 27.03.2014.

Process allowed dasti.”

Learned counsel for respondent No.1 states at the bar that Insurance Company has verified the validity of driving licence of Sahib Singh son of Rattan Anmol Singh and the same is found to be genuine.

In view of statement made by learned counsel for respondent No.1, the findings recorded by the Tribunal, thereby giving the recovery rights to the Insurance Company on the premise that the driving licence of the driver of the offending vehicle was fake needs to be reversed. Consequently, this appeal is accepted to the extent of giving recovery rights to the Insurance Company to recover the amount from the appellant(s).

In view of above, the present appeal stands disposed
of.

03.08.2017
prince
Whether Reasoned/Speaking

Whether Reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No